

SENATE BILL No. 402

DIGEST OF INTRODUCED BILL

Citations Affected: IC 9-13-2; IC 9-21-11.

Synopsis: Child bicycle safety. Requires a person who is less than 16 years of age to wear a properly fitted protective bicycle helmet when the person operates or is a passenger on a bicycle. Provides that a passenger on a bicycle must be either on a seat or in a restraining seat. Provides that the failure of a child to wear a properly fitted protective bicycle helmet or the failure to contain a small passenger in a restraining seat is a Class C infraction, the judgment for which is stayed under certain circumstances. Provides for a Class C infraction for the rental, lease, or sale of a bicycle to or for the intended use of an operator who is less than 16 years of age without the person who is renting, leasing, or purchasing the bicycle showing possession of or acquiring a protective helmet for the intended operator. Makes conforming amendments.

Effective: July 1, 2003.

Simpson

January 21, 2003, read first time and referred to Committee on Criminal, Civil and Public Policy.

C
o
p
y



First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

SENATE BILL No. 402

A BILL FOR AN ACT to amend the Indiana Code concerning motor vehicles.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 9-13-2-14.3 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 14.3. "Bicycle passenger", for purposes of IC 9-21-11,**
4 **means an individual who:**

- 5 (1) **rides on a bicycle; and**
6 (2) **is not the operator of the bicycle.**

7 SECTION 2. IC 9-13-2-14.5 IS ADDED TO THE INDIANA CODE
8 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
9 1, 2003]: **Sec. 14.5. "Bicycle path" means a right-of-way under the**
10 **jurisdiction and control of the state or a political subdivision that**
11 **is used primarily by pedestrians and individuals on bicycles.**

12 SECTION 3. IC 9-13-2-118 IS AMENDED TO READ AS
13 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 118. (a) "Operator"
14 means, except as provided in subsection (b), when used in reference to
15 a motor vehicle, a person, other than a chauffeur or a public passenger
16 chauffeur, who:

- 17 (1) drives or is in actual physical control of a motor vehicle upon



C
o
p
y

a highway; or

(2) is exercising control over or steering a motor vehicle being towed by a motor vehicle.

(b) **"Operator", for purposes for IC 9-21-11, means an individual:**

(1) **who propels a bicycle while seated on a seat or saddle seat from which the person is intended to and may pedal the bicycle; or**

(2) **who stands on the bicycle and kicks the ground in order to propel the bicycle.**

(c) **"Operator", for purposes of IC 9-25, means a person other than a chauffeur who is in actual physical control of a motor vehicle upon a highway of Indiana.**

SECTION 4. IC 9-13-2-123.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 123.5. "Pedal cab", for purposes of IC 9-21-11, has the meaning set forth in IC 9-21-11-0.5.**

SECTION 5. IC 9-13-2-139.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 139.5. "Protective bicycle helmet" means a piece of headgear that meets or exceeds the impact standards for protective bicycle helmets set by the:**

(1) **American National Standards Institute (ANSI); or**

(2) **Snell Memorial Foundation.**

SECTION 6. IC 9-13-2-153.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 153.5. "Restraining seat" means a seat that is:**

(1) **separate from the seat or saddle seat of the operator of a bicycle;**

(2) **fastened securely to the frame of the bicycle; and**

(3) **adequately equipped to:**

(A) **restrain a bicycle passenger in the seat; and**

(B) **protect the bicycle passenger from the moving parts of the bicycle.**

SECTION 7. IC 9-21-11-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: **Sec. 0.5. As used in this chapter, "pedal cab" means a bicycle that is:**

(1) **designed to carry not more than five (5) individuals, including the operator;**

(2) **held out to the public for hire at a fare regulated by**

C
o
p
y



1 municipal ordinance and based upon length of trips or time
2 consumed;

3 **(3) not operated over a definite route; and**

4 **(4) a part of a commercial enterprise in the business of**
5 **providing conveyance service.**

6 SECTION 8. IC 9-21-11-1 IS AMENDED TO READ AS
7 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) **As used in this**
8 **section, "protected person" has the meaning set forth in**
9 **IC 29-3-1-13.**

10 **(b) The parent of a child and the guardian of a protected person may**
11 **not authorize or knowingly permit the child or protected person to**
12 **violate this chapter.**

13 ~~(b)~~ **(c) Subject to the exceptions stated, the provisions of this**
14 **chapter applicable to bicycles apply whenever a bicycle is operated**
15 **upon a highway or a bicycle path set aside for the exclusive use of**
16 **bicycles.**

17 **(d) In a proceeding to enforce section 4(b)(2)(B) of this chapter,**
18 **the operator shall be charged with the violation.**

19 SECTION 9. IC 9-21-11-3 IS AMENDED TO READ AS
20 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 3. (a) ~~A person~~
21 ~~propelling~~ **An operator of a bicycle may not**

22 ~~(1)~~ ride other than:

23 **(1) upon the permanent and regular seat attached to the bicycle;**
24 **or**

25 **(2) by standing on the bicycle.**

26 **An operator of a bicycle may not carry any other person upon the a**
27 **bicycle passenger who is not seated upon a firmly attached and regular**
28 **seat on the bicycle unless the passenger is seated in a restraining**
29 **seat.**

30 **(b) A person may not ride upon a bicycle unless seated under other**
31 **than according to the requirements of this section.**

32 SECTION 10. IC 9-21-11-4 IS AMENDED TO READ AS
33 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 4. (a) A bicycle may
34 not be used to carry more persons at one (1) time than the number for
35 which the bicycle is designed and equipped.

36 **(b) This subsection does not apply to a passenger in a pedal cab.**
37 **An individual who is a bicycle passenger on a roadway or bicycle**
38 **path must meet the following conditions:**

39 **(1) The individual is able to maintain an erect and seated**
40 **position on the bicycle or upon the restraining seat.**

41 **(2) The individual is either:**

42 **(A) properly seated alone on a seat or a saddle seat; or**



C
o
p
y

(B) if the individual weighs less than forty (40) pounds or is less than forty (40) inches in height, the individual is properly seated in and adequately secured to a restraining seat.

SECTION 11. IC 9-21-11-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 14. (a) Except as provided in subsections (b) and (c), a person who violates this chapter commits a Class C infraction.

(b) This subsection and subsection (c) apply to a violation of section 4(b)(2) or 15 of this chapter. If, at a proceeding to enforce section 4(b)(2)(B) or 15 of this chapter, the court finds that a person:

(1) has violated either section 4(b)(2)(B) or 15 of this chapter; and

(2) does not possess or has not acquired:

(A) a restraining seat, in violation of section 4(b)(2)(B) of this chapter; or

(B) a protective bicycle helmet, in violation of section 15 of this chapter;

the court shall stay the entry of judgment against the person and shall order the person to provide, within thirty (30) days, proof of possession or acquisition of a restraining seat, if the person has violated section 4(b)(2)(B) of this chapter, or a protective bicycle helmet, if the person has violated section 15 of this chapter, to the prosecuting attorney of the jurisdiction where the offense occurred.

(c) If the person:

(1) complies with a court order under subsection (b); and

(2) does not have a previous judgment of violation of section 4(b)(2)(B) or 15 of this chapter against the person;

the prosecuting attorney of the jurisdiction where the offense occurred shall dismiss the action.

SECTION 12. IC 9-21-11-15 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 15. (a) This section does not apply to a passenger in a pedal cab.

(b) A person less than sixteen (16) years of age who operates a bicycle or is a bicycle passenger on a roadway or bicycle path shall wear a protective bicycle helmet at all times while the bicycle is in motion. A protective bicycle helmet worn under this section must:

(1) properly fit the person who wears the helmet; and

(2) be securely fastened with the helmet's straps.

C
o
p
y



1 SECTION 13. IC 9-21-11-16 IS ADDED TO THE INDIANA
2 CODE AS A NEW SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2003]: **Sec. 16. A person may not rent or**
4 **lease a bicycle to or for the use of an operator who is less than**
5 **sixteen (16) years of age unless:**

6 **(1) the operator shows possession of a properly fitted**
7 **protective helmet; or**

8 **(2) the rental or lease of the bicycle includes the provision of**
9 **a properly fitted protective helmet for the operator.**

10 SECTION 14. IC 9-21-11-17 IS ADDED TO THE INDIANA
11 CODE AS A NEW SECTION TO READ AS FOLLOWS
12 [EFFECTIVE JULY 1, 2003]: **Sec. 17. A person may not sell a**
13 **bicycle at retail to or for the use of a person who is less than sixteen**
14 **(16) years of age unless the person who is purchasing the bicycle:**

15 **(1) presents satisfactory proof of ownership to the seller of the**
16 **bicycle of a protective helmet for the intended operator of the**
17 **bicycle; or**

18 **(2) purchases a bicycle helmet for the intended operator of the**
19 **bicycle at the time the bicycle is purchased.**

C
o
p
y

